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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,013	04/16/2004	Shadi Mere	10541-1991	9237

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EXAMINER

FISHMAN, MARINA

ART UNIT PAPER NUMBER

2832

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/826,013	Applicant(s) MERE ET AL. <span style="float: right;">(PW)</span>	
	Examiner Marina Fishman	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/06/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *General status*

1. This is a Final Action on the Merits. Claims 1 - 23 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4, 6 – 14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dull et al. [US 2,876,313].

Dull et al. disclose an adjustment assembly [Figures 1 –7] comprising:

- first and second contact members [20, 20, Figures 1, 5] with contact portions [20b, 20b];
- an adjustment member [21, Figure 2] having a plurality of troughs located between adjacent protrusions [a portion of 29, between troughs 31]. The peaks and valleys of protrusions and troughs [29, 31] makes wave shape surface;
- the protrusions are configured to selectively engage the contact portion of the first and second contact members and induce electrical connection [Figures 5-7];

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- the troughs receive the first contact member [Figure 5, first contact member 20 on the right] when the first electrical connection [between right terminal T2 and right contact member 20] is disconnected and receive a second contact member [Figure 7, second contact member on the left] when the second electrical connection [between left terminal T2 and second contact member] is disconnected;
- <sup>least</sup> at ~~least~~ one of the first and second contact member is configured to bias the adjustment member towards an equilibrium position [Column 3, lines 72-75; Column 4, lines 20-26].

Regarding Claims 2, 3, and 12-14, Dull et al. disclose the contact member with a base member [Figure 1], a mating surface between peaks of the detent [20b] and the adjustment member having a mating surface [31], both cooperate to form a mating connection. Regarding Claims 4 and 7, the housing [12] serves as a bracket and is configured to receive the adjustment member.

Regarding claim 9, the spacing between the recesses [31] for contact members is different, so as to enable the terminals T1 and T2 to be selectively connected [Column 3, lines 55-75 and column 4, lines 1-20].

Regarding Claim 11, the disclosed adjustment member [21, 22] is a knob. Regarding claim 16, the peaks and valleys of the adjustment member forms a sinusoidal function.

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Regarding Claim 20, the disclosed knob [21] of Dull et al. having a body portion [28], a first end portion [22], a second end portion [29], and the second end portion having wave-shaped surface **extending substantially completely along a circular path** and having a plurality of peaks and valleys. (It is noted that the claim only require the wave-shape surface to be along a circular path, and the reference discloses the wave-shape surface along a circular path. The claim does not require the path to be along the entire circumference of the circular path.)

4. Claims 1- 4, 6 -14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Senoh [US 4,539,444].

Senoh discloses an adjustment assembly comprising:

- first and second contact members [16a, 20a, 20b, 16b; Figures 3, 6] having a contact portions [17a, 17b];
- an adjustment member [25, Figure 4] having a plurality of troughs located between adjacent protrusions [27, between notches 26]. The peaks and valleys of protrusions and notches makes wave shape surface [Figures 3, 6];
- the protrusions are configured to selectively engage the contact portion of the first and second contact members and induce electrical connection [Figures 4 - 7];
- wherein the troughs receive the first contact member when the first electrical connection is disconnected and

receive a second contact member when the second electrical connection is disconnected [Figure 7];

- at least one of the first and second contact member is configured to bias the adjustment member towards an equilibrium position [contact member being resilient, it will return the adjustment member to an equilibrium position shown in Figure 4].

5. Regarding Claims 2, 3 and 12-14, Senoh discloses the contact member with a base portion [15, Figure 3], a mating surface [top of 16 and 20] and the adjustment member having a mating surface [27], both cooperate to form a mating connection. Regarding Claims 4 and 17, the housing [11, Figure 3] serves as a bracket and is configured to receive the adjustment member. Regarding Claim 9, the spacing between the recesses [26] for contact members is different, so the terminals [12a-12d] can be selectively connected [Figure 12]. Regarding Claims 11, the disclosed adjustment member [25] is a knob. Regarding Claims 16, the peaks and valleys of the adjustment member forms a sinusoidal function. Regarding Claims 20, the disclosed knob [25] of Senoh having a body portion, a first end portion [29], a second end portion [26, 27], and the second end portion having wave-shaped surface extending substantially completely along a circular path and having plurality of peaks and troughs.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim s 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh [US 4,539,444].

Regarding Claims 15 and 21 Senoh satisfies a spherical projection for the first contact member. However, Senoh does not disclose spherical receptacle on the adjustment member. It would have been obvious matter of design choice for one of ordinary skill in the art to provide spherical receptacle on the adjustment of Senoh in order to precisely position the spherical projection of the contact member.

8. Claims 5, 18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh [US 4,539,444] in view of Rose [US 4,551,587].

Senoh satisfies all the limitation of claims 5, 18 and 22 and 23. However, the adjustment member that includes a plurality of connection arms configured to form a snap-fit connection with the bracket. Rose [Figures 1-3] discloses bracket [1] having a plurality of connector arms [10] and the adjustment member having a mating surface together making snap-fit connection between them [Rose column 2, lines 10-15]. Though Rose discloses the connector arms on the bracket and mating surface on the adjustment member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connector arms on the adjustment member and mating surface on the bracket,

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since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

***Response to Arguments***

9. Applicant's arguments filed 04/06/2005 have been fully considered but they are not persuasive.

The Applicant has argued that Dull et al. <sup>does</sup> ~~do~~ not anticipate Claim 1. The Examiner respectfully disagrees. The Dull et al. reference, in Figures 5 and 7, clearly shows the right and left terminals being out of contact with the respective right and left contact members [Column 3, lines 67-71 and Column 4, lines 11-13].

Regarding the argument that Dull et al. reference fails to show wave-shape surface substantially completely along a circular path and having a plurality of peaks. The Examiner respectfully disagrees. The claim recites the wave-shape to be substantially completely circular, the claim does not require the wave-shape path to cover the entire circle. In other words, if the wave-shape path covers a portion of the circle or sector then it satisfies the limitation.

The Applicants has argued that the rotatable driver of Senoh is not biased towards equilibrium position, the Examiner respectfully disagrees. The resilience of contact 16 and the contact ball 20 interacts with the tapered side surface of notch 26 of the driver 25 would mechanically bias the system to an equilibrium position. It should be noted that now ball 20 is taken as part of contact and the contact comprises blade 16 and contact ball 20.



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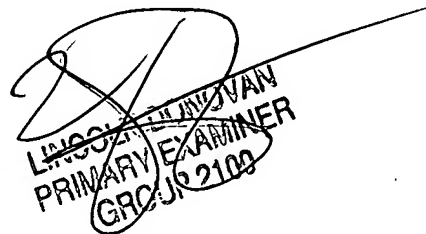
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
April 19, 2005

  
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